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SEP 26 1991

Municipality of Ponce's Landfill - Browning-Ferris Industries,  
Final post-closure permit  
EPA I.D. Number: PRD980594709

Original signed by  
Conrad Simon  
Conrad Simon, Director  
Air and Waste Management Division (2AWM)

91 SEP 27 PM 2:35

PERMITS ADMINISTRATION  
BRANCH

Constantine Sidamon-Eristoff  
Regional Administrator (2RA)

Attached for your signature is the final RCRA post-closure permit for the Municipality of Ponce's landfill (also known as Browning-Ferris Industries, Inc. (BFI) who is the current operator). The final permit also includes the responsiveness summary which addresses comments submitted during the public comment period.

This post-closure permit is being granted to the Municipality of Ponce pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA).

The Municipality of Ponce and BFI operate a municipal landfill in the south central part of Puerto Rico. The landfill has been in operation since 1977, accepting primarily municipal refuse and other nonhazardous waste. In a letter from CECOS (the operator of the landfill from 1977 through 1983) to the Agency, CECOS listed companies that allegedly had disposed of hazardous waste at the site prior to November 8, 1980. The letter also listed types of waste disposed at the site as including: PCB contaminated oil, caustic soda, hydrocarbon sludges, spent crude and wastewater treatment sludges.

Since 1980, the site has not officially received any hazardous waste, but it does accept approximately 400 to 500 tons of refuse per day. The refuse is mostly domestic waste from surrounding communities; however, some nonhazardous industrial wastes are accepted at the site.

Environmental problems currently recognized at the site, include some percolation of hazardous constituents into subsurface waters, though there are no evidence of migration.



Copies of the draft permit are available at the Puerto Rico Environmental Quality Board and the EPA Caribbean Field Office. The public comment period for commenting on the draft post-closure permit ended on July 31, 1991. Only two comments were received regarding the draft post-closure permit. They were submitted by an adjacent property owner and the current operator of the site (BFI). The attached briefing paper summarizes these comments; or, the entire comments and response can be found in the responsiveness summary.

Issuance of this permit will authorize the permittee to continue post-closure care (specifically 30 years of groundwater

monitoring) at the landfill. As part of the closure plan, a preclosure investigation of the cover soil and subsurface soil was sampled to identify any areas of contamination. As a result of this sampling and due to the vast size of the landfill, the groundwater monitoring system was redesigned to ensure the early detection of any releases.

Attached to this memo is the briefing summary which may assist you in your review.

#### Attachments

bcc: Conrad Simon, (2AWM) w/o attaches.  
Andrew Bellina, (2AWM-HWF) w/o attaches.  
Michael Poetzsch, (2AWM-HWF) w/o attaches.   
Douglas Pocze, (2AWM-HWF) w/o attaches.  
Coles Phinizy, (2ORC-AWTS) w/o attaches.  
Laura Livingston, (2OPM-PAB) w/o attaches. 

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

DATE: OCT 02 1991

PE91-10/02/91

SUBJECT: Transmittal of Final RCRA Post-Closure Permit for Municipal Dump  
of Ponce/Browning Ferris Industries - Ponce, Puerto Rico  
EPA I.D. Number: PRD980594709

FROM: Andrew Bellina, Chief  
TO: Hazardous Waste Facilities Branch (2AWM-HWF)

PRD 980594709

Laura Livingston, Chief  
Permits Administration Branch (2OPM-PAB)

Attached please find the Final Post-Closure Permit and  
Responsiveness Summary for Municipal Dump of Ponce/Browning-  
Ferris Industries, Inc., located in Ponce, Puerto Rico.

As previously agreed upon, PAB will process this Final Post-  
Closure Permit and arrange to distribute copies of the Final  
Post-Closure Permit and Responsiveness Summary in accordance with  
your mailing list.

Please also ensure that a copy of both the Final Post-Closure  
Permit and Responsiveness Summary are provided to the following  
addressees:

Pedro Gelabert, Director  
U.S. EPA Region II -- Caribbean Field Office  
Office 2A, Podiatry Center Building  
1413 Fernandez Juncos Avenue  
Santurce, Puerto Rico 00907

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Project Manager  
Baker TSA  
Airport Office Park  
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Coraopolis, PA 15108

Bruce Jernigan  
Divisional Vice President  
CERCLA Activities  
Browning-Ferris Industries  
P.O. Box 3151  
Houston, Texas 77253

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Browning-Ferris Industries, Inc.  
GPO Box 7104  
Ponce, Puerto Rico 00732

Flor del Valle  
Director  
Land Pollution Control Area  
P.R. Environmental Quality  
Board  
P.O. Box 11488  
Santurce, Puerto Rico 00910

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Ana Nisi Goyco  
Senadora  
Distrito de Ponce  
Presidenta Comision de  
Calidad Ambiental y  
Manejo de Desperdicios  
Calle Mayor No. 25  
Ponce, Puerto Rico 00731

If you have any questions, please contact Douglas Pocze, of my  
staff, at extention 8687.

Attachments





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II  
26 FEDERAL PLAZA  
NEW YORK, NEW YORK 10278

**NOTICE OF ISSUANCE OF A FINAL RCRA PERMIT TO  
MUNICIPALITY OF PONCE - PONCE, PUERTO RICO  
AND BROWNING-FERRIS INDUSTRIES INC.**

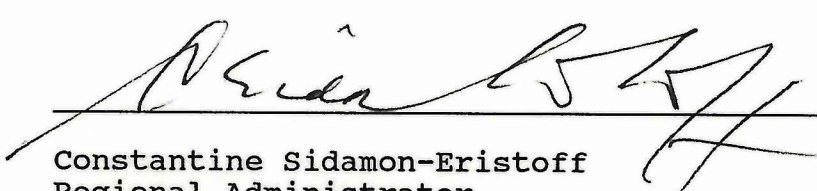
The Regional Administrator of the United States Environmental Protection Agency (EPA) Region II has decided to issue a permit under the authority of the Solid Wastes Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments (HSWA) of 1984, to the Municipality of Ponce/Browning-Ferris Industries Inc., facility in Ponce, Puerto Rico. Attached is a copy of the final RCRA Post-Closure Permit and EPA's Responsiveness Summary. The Responsiveness Summary provides EPA's responses to the comments received by EPA during the public comment period on the draft post-closure permit. The public comment period for providing comments on the draft post-closure permit ended on July 30, 1991.

Anyone wishing to appeal the Regional Administrator's decision should refer to the procedures set forth in 40 C.F.R. §124.19. That Section states that, within thirty (30) days after service of this notice, any person who filed comments on the draft permit may petition the Administrator to review any condition of the permit decision. Any person who failed to file comments on the Draft RCRA permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision.

The 30-day period to request review of this final permit decision shall begin with the service of this notice by the EPA. (Note, for those parties receiving this notice by mail, three additional days will be added to the prescribed 30-day period as is provided for at 40 C.F.R. §124.20(d).)

Date

9/27/91

  
Constantine Sidamon-Eristoff  
Regional Administrator  
Region II  
U. S. Environmental Protection Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278

FINAL POST-CLOSURE PERMIT

EPA I.D. Number: PRD980594709

Effective Date: November 12, 1991

Expiration Date: November 12, 1996

Permittee: Municipality of Ponce and Browning-Ferris  
Industries Inc.  
Road # 500, Final La Cotorra  
Ponce, Puerto Rico

This post-closure permit is issued by the United States Environmental Protection Agency ("EPA" or "Agency") under the authority of the Resource Conservation and Recovery Act of 1976 ("RCRA"), Subtitle C, as amended by the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), 42 U.S.C. §§ 6921-6931, and EPA regulations promulgated pursuant thereto, to the Municipality of Ponce and Browning-Ferris Industries Inc., (BFI), (hereafter called the "Permittee") to close a landfill unit.

The Permittee must comply with all the terms and conditions of this post-closure permit. This post-closure permit consists of the conditions contained herein (Modules I through V), including the Attachment, and the applicable regulations contained in 40 C.F.R. Parts 124, 260 through 264, 268, and 270 as specified in the permit. Applicable regulations are those which are in effect on the date of issuance of this post-closure permit, except as provided in 40 C.F.R. § 124.86(c) for RCRA permits being processed under Subparts E or F of Part 124. A post-closure permit may be modified, however, to incorporate new regulations pursuant to 40 C.F.R. § 270.41(a)(3) and 40 C.F.R. § 270.32(c). All documents referred to in the post-closure permit are incorporated into the permit by reference.

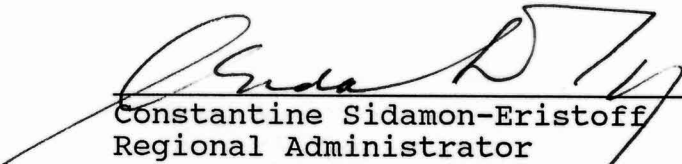
The issuance of this post-closure permit is based on the assumption that the information provided in the Permittee's Part B Post-Closure permit application (hereafter referred to as the "application"), submitted on December 23, 1988 and all succeeding revisions and data submissions, is accurate and that the facility will be operated as specified in the application.

This post-closure permit is also based, in part, on the provisions of Sections 206, 212 and 224 of HSWA which modify Sections 3002, 3004 and 3005 of RCRA. The Permittee's failure in the application or during the permit issuance process to disclose any fully relevant fact, or the Permittee's misrepresentation of any relevant fact at any time may be grounds for the termination, revocation and reissuance, or modification of this permit (see 40 C.F.R. §§ 270.41, 270.42 and 270.43) and potential enforcement action. The Permittee must inform EPA of any deviation from or changes in any information submitted which would affect the Permittee's ability to comply with the applicable statutes, regulations or permit conditions.

The permit is effective as of November 12, 1991 and shall remain in effect until November 12, 1996, unless revoked and reissued, modified, or terminated in accordance with 40 C.F.R. §§ 270.41, 270.42, or 270.43, or Section 212 of the HSWA, or continued in accordance with 40 C.F.R. § 270.51(a).

9/27/91  
Date

October 10, 1991  
Date Served

  
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Constantine Sidamon-Eristoff  
Regional Administrator  
U.S. Environmental Protection Agency  
Region II



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## RESPONSIVENESS SUMMARY

The purpose of the "Responsiveness Summary" is to allow the U.S. Environmental Protection Agency (EPA) and the Puerto Rico Environmental Quality Board (EQB) the opportunity to address those comments submitted by interested parties during the public comment period. As mandated in the Code of Federal Regulations ("CFR") Section 124.10 (a)(ii), a public notice is required whenever a draft permit has been prepared. On June 17, 1991, the EPA and EQB issued the public notice of the Municipal Dump of Ponce/Browning-Ferris Industries draft post-closure permit. Comments received during the comment period (June 17 through July 31, 1991) have been addressed below. EPA and EQB wish to note that only two comments were received.

### Comment

In a letter received July 15, 1991 a local citizen had the following comment concerning the threats existing for those people that live adjacent to the site and how might they be affected by the handling of any hazardous waste stored in the landfill?

### Response

A risk assessment was performed upon the site in order to determine what threats existed from ingestion or dermal contact. Risk calculations were made using EPA assumptions for weight and ingestion rates of a normal child and an adult. Exposure times used for adults were 30 and 70 years and 6 and 15 years for children. During preliminary soil sampling, several constituents were detected below health-based values, but above background values. Based upon this sampling event, risk values were calculated for both carcinogenic and non-carcinogenic effects.

For non-carcinogenic risks, a hazardous index greater than one is considered a quantifiable risk. However, the values calculated for the constituents of concern at the Ponce site do not approach a hazard index of one. The highest value calculated was  $0.2559 \times 10^{-2}$  and this value was for an adult exposed over 70 years.

For carcinogenic risks, PCBs are the constituent of concern that may have been placed into the landfill. The highest calculated risk is from an adult ingesting 100 mg of site soil per day for a lifetime using the highest concentration of PCBs detected in the soil at the site. The risk calculated was  $67 \times 10^{-7}$ , which is within the risk range considered to be acceptable by the EPA. The value also



includes conservative estimates used in the calculation. For instance, the rate of exposure was estimated at 365 days, but it is unconceivable that a child or adult would be at the site 365 days of the year. Therefore, EPA had determined that the health risk to those living adjacent to the site, for carcinogenic substances, does not approach a level which EPA considers a health risk.

The post-closure permit will require groundwater monitoring for 30 years. The purpose of this monitoring is to immediately detect any release to the environment that may threaten human health or the environment. Currently, releases have not been detected in the groundwater. If over the life of the permit releases are detected then the site operator (currently Browning-Ferris Industries, or "BFI") will be required to investigate the release and remediate the contamination.

#### Comment

In a letter dated July 17, 1991 from BFI, the following was stated: BFI's contract with the Municipality to operate the landfill will expire on March 1, 1992. The Municipality has indicated that the future contract will be "put out" for bid. The subsequent operator will not be known until the bidding process is complete. Because of the uncertainty of this issue, BFI has requested that the permit clearly reflect the fact that BFI may not be the future operator of the facility and therefore, all obligations under the permit will apply to the Municipality of Ponce and to the operator of the landfill identified in the contract with the Municipality.

BFI wishes to verify the fact that the permit would be transferred to a new operator whenever the Municipality's contract is changed.

#### Response

The draft post-closure permit for the landfill at the Municipal Dump of Ponce will be issued to the owner (the Municipality of Ponce) and the operator (Browning-Ferris Industries). Both entities will be required to implement the requirements of the permit.

It is our understanding that the Municipality is considering an open bid for renewing the contract. Therefore, a new operator may be managing the facility in March of 1992. If a new operator is managing the facility then the new operator will be responsible for complying with the conditions of the post-closure permit. Non-compliance with

the permit may result in enforcement action against the responsible party(s). (It should be noted that enforcement action may be taken against the current owner and/or operator and, where appropriate, against former owners and/or operators.)

If the Municipality contracts with a new operator then the EPA will modify the permit to reflect the change. This change will be a Class 1 Permit Modification subject to the provisions pursuant to 40 CFR §§ 270.40 and 270.42.

**MODULE I - STANDARD CONDITIONS**

- A. EFFECT OF PERMIT. This Permit authorizes only the management of hazardous wastes expressly described in this Permit and does not authorize any other hazardous waste management activities. Compliance with the terms of this Permit constitutes compliance, for purposes of enforcement, with the requirements of Subtitle C ("Hazardous Waste Management") of RCRA, as amended by HSWA. Issuance of this Permit does not convey any property rights of any sort, or any exclusive privilege; nor does it authorize any injury to persons or property, or invasion of other private rights, or any infringement of Commonwealth of Puerto Rico (hereafter referred to as the "Commonwealth") or local laws or regulations. Compliance with the terms of this Permit does not constitute a defense to any action brought under Sections 3013 and/or Section 7003 of RCRA, 42 U.S.C. §§ 6934 and/or 6973; Sections 104, 106(a), 107 and/or 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. 9601(a) et seq., or any other law or applicable regulation, governing protection of public health or the environment. (40 C.F.R. §§ 270.4 and 270.30(g)).
- B. PERMIT ACTIONS. This Permit may be modified, revoked and reissued, or terminated for cause as specified in 40 C.F.R. §§ 270.41-270.43. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition. Review of any application for a Permit renewal shall involve consideration of improvements in the state of control and measurement technology, as well as changes in applicable regulations. (Section 3005(c)(3) of RCRA, 42 U.S.C. § 6925(c)(3)).
- C. PERMIT CONDITIONS. Pursuant to Section 3005(c)(3) of RCRA, 42 U.S.C. § 6925(c)(3) (Section 212 of HSWA), promulgated as regulation at 40 C.F.R. § 270.32(b), this Permit contains those terms and conditions the Administrator determines necessary to protect human health and the environment. If not otherwise specified in this permit, all the requirements of 40 C.F.R. §§ 270.30, 270.31, 270.32 and 270.33 are hereby incorporated into this Permit by reference.

D. PERMIT SUBMITTALS.

1. Effect of Permit: All plans, reports and schedules required by the terms of this Permit are unless otherwise specified, upon approval by EPA, incorporated by reference into this Permit. Upon incorporation, the provisions of each such document shall be binding upon the Permittee and have the same legal force and effect as the requirements of this Permit.

2. Submittal Modification: The Permittee shall submit plans and reports required by this Permit to the Agency for review and comment. Unless otherwise specified, the Agency shall review any plan, report, specification, or schedule submitted pursuant to, or required by this Permit, and provide its written approval/disapproval, comments and/or modifications to the Permittee. Unless otherwise specified by the Agency, the Permittee shall submit a revised proposal within thirty (30) days of its receipt of the Agency's written comments and/or modifications. Any such revised proposal submitted by the Permittee shall incorporate the Agency's comments and/or modifications. The Agency will then approve the revised proposal or modify the proposal and approve it with any such modifications. The revised proposal, as approved by the Agency, shall become final. All final approvals shall be given to the Permittee in writing.

E. SEVERABILITY. The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance is stayed or held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby. (40 C.F.R. § 124.16(a)).

F. DUTIES AND REQUIREMENTS.

1. Duty to Comply. The Permittee shall comply with all conditions of this Permit, except that the Permittee need not comply with the conditions of this Permit to the extent and for the duration such noncompliance is authorized by an emergency permit (see 40 C.F.R. § 270.61). Any noncompliance with this Permit, except under the terms of an emergency permit, constitutes a violation and is grounds for: 1) enforcement action; 2) Permit termination, revocation and reissuance, modification; and/or 3) denial of a Permit renewal application. (40 C.F.R. § 270.30(a)).



2. Duty to Reapply. If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall submit a complete application for a new Permit at least 180 calendar days before this Permit expires, unless the Regional Administrator grants permission for a later date which is not later than the expiration date of the existing Permit. (40 C.F.R. §§ 270.10(h) and 270.30(b)).
3. Permit Expiration and Continuation. Unless modified pursuant to Condition K of this module, this Permit will be in effect for the time period stated on page i, which must not exceed ten (10) years. Each Permit shall be reviewed by the Administrator five (5) years after the date of permit issuance or reissuance and shall be modified as necessary, as provided in 40 C.F.R. §§ 270.41 and 270.50. However, as set forth in 40 C.F.R. § 270.51, as long as EPA is the Permit issuing authority, this Permit and all conditions herein will remain in effect beyond the Permit's expiration date if the Permittee has submitted a timely, complete application (40 C.F.R. § 270.13 through 270.23 and 270.10) and through no fault of the Permittee, the Regional Administrator has not issued a new Permit with an effective date established pursuant to 40 C.F.R. § 124.15.

If the Commonwealth, at the time of permit renewal, has permitting authority under 40 C.F.R. Part 271 and if the Permittee has submitted a timely and complete application under Commonwealth law and regulations, the terms and conditions of this Permit continue in force beyond the expiration date of the Permit, but only until the effective date of the Commonwealth's issuance or denial of a Commonwealth Permit which includes measures pursuant to HSWA. (40 C.F.R. § 270.51(d)).
4. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (40 C.F.R. § 270.30(c)).
5. Duty to Mitigate. In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. (40 C.F.R. § 270.30(d)).

6. Proper Operation and Maintenance. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate sampling, laboratory and process controls, including appropriate quality assurance/quality control ("QA/QC") procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the Permit. (40 C.F.R. § 270.30(e)).
7. Duty to Provide Information. The Permittee shall furnish to the Regional Administrator, within a reasonable time, any relevant information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Regional Administrator, upon request, copies of records required to be kept by this Permit. (40 C.F.R. §§ 270.30(h) and 264.74(a)).
8. Inspection and Entry. The Permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
  - (a) Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
  - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
  - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
  - (d) Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized, any substances or parameters at any location. (40 C.F.R. §§ 270.30(i) and 264.74(a)).

9. Monitoring and Records.

- (a) Representativeness of Samples and Measurements. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 C.F.R. § 270.30(j)). The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 C.F.R. Part 261 or an equivalent sampling method approved by the Regional Administrator. 40 C.F.R. § 261.20(c). Laboratory methods must be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods (EPA Publication SW-846, Third Edition, 1987, as currently amended), and Standard Methods for the Examination of Water and Waste Water (16th Edition, 1985), or an equivalent method approved by the Regional Administrator, as specified in the waste analysis plan in Attachment II-1 to this Permit. (40 C.F.R. § 270.6).
- (b) Retention of Records. The Permittee shall retain until closure of the facility, all records and data used to complete the application for this Permit. The Permittee shall also retain records, for at least three (3) years, of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, and the certification required by 40 C.F.R. § 264.73(b)(9).
- (c) Content of Monitoring Records. Records of monitoring information shall specify:
- (i) The date(s), exact place, and time of sampling or measurements;
  - (ii) The individual(s) who performed the sampling or measurements;
  - (iii) The date(s) analyses were performed;
  - (iv) The individual(s) who performed the analyses;
  - (v) The sampling techniques or methods used;

- (vi) The analytical techniques or methods used;  
and
- (vii) The results of such analyses. (40 C.F.R. § 270.30(j)).
- (d) Quality Assurance Program. The Permittee shall conduct a quality assurance program to ensure that the monitoring data are technically accurate and statistically valid. The quality assurance program shall be in accordance with Section 10 of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods (EPA Publication SW-846, Third Edition, 1987, as currently amended), and "Laboratory Data Validation, Functional Guidelines for Evaluating Organics Analyses" and "Evaluation of Metals Data for the Contract Laboratory Program" established by the Regional Administrator, or an EPA-approved quality assurance program.
- (e) Monitoring Reports. Monitoring results must be reported at the intervals specified elsewhere in this Permit. (40 C.F.R. § 270.30(1)(4)).
- 10. Reporting Planned Changes. The Permittee shall give notice to the Regional Administrator, as soon as possible, of any planned physical alterations or additions to the permitted facility. (40 C.F.R. § 270.30(1)(1)).
- 11. Certification of Construction or Modification. [NOT APPLICABLE]
- 12. Anticipated Noncompliance. The Permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with this Permit's requirements. This notice must include a description of all incidents of noncompliance reasonably expected to result from the proposed changes. (40 C.F.R. § 270.30(1)(2)).
- 13. Transfer of Permit. This Permit is not transferable to any person unless notice has been given to the Regional Administrator and the Permit has been modified, or revoked and reissued, or a minor modification made to identify the new permittee and to incorporate such other requirements as may be necessary. (40 C.F.R. §§ 270.30(1)(3) and 270.40).



14. Compliance Schedules. [SEE SPECIFIC MODULES II, III, IV and V]
15. Immediate Reporting of Releases.
  - (a) Whenever there is an imminent or actual emergency situation, the emergency coordinator, as designated in the contingency plan, or his designee when the emergency coordinator is on call, must immediately:
    - (i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
    - (ii) Notify appropriate Commonwealth or local agencies with designated response roles if their help is needed.  
(40 C.F.R. § 264.56(a), (b), and (c)).
  - (b) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, he must report his findings as follows:
    - (i) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and
    - (ii) He must immediately notify either the government official designated as the on-scene coordinator for that geographical area, or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:
      - a. Name and telephone number of reporter;
      - b. Name and address of facility;
      - c. Time and type of incident (e.g., release, fire);
      - d. Name and quantity of material(s) involved, to the extent known;
      - e. The extent of injuries, if any; and

- f. The possible hazards to human health, or the environment, outside the facility.  
(40 C.F.R. § 264.56).

16. Twenty-four Hour Reporting. The Permittee shall report to the Regional Administrator any noncompliance with this Permit which may endanger human health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances. This report shall include the following:

- (a) Information concerning the release of any hazardous waste or hazardous constituent which may cause an endangerment to public drinking water supply sources;
- (b) Any information of a release or discharge of hazardous waste, or of a fire or explosion at the facility, which could threaten the environment or human health outside the facility;
- (c) The description of the occurrence and its cause, as reported in Module I, Condition F.16(a) or (b) shall include:
  - (i) Name, address and telephone number of the owner or operator;
  - (ii) Name, address, and telephone number of the facility;
  - (iii) Date, time, and type of incident;
  - (iv) Name and quantity of material(s) involved;
  - (v) The extent of injuries, if any;
  - (vi) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
  - (vii) Estimated quantity and disposition of recovered material that resulted from the incident. (40 C.F.R. § 270.30(1)(6)).
- (d) A written submission shall also be provided to the Regional Administrator within five (5)

calendar days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Permittee need not comply with the five day written notice requirement if the Regional Administrator waives that requirement and the Permittee submits a written report within fifteen (15) calendar days of the time the Permittee becomes aware of the circumstances. (40 C.F.R. § 270.30(1)(6)).

The oral reports required above may be made by contacting the EPA Region II 24-hour Emergency Response Center, at (201) 548-8730, or any designated telephone number which may subsequently replace it.

17. Unmanifested Waste Report. [NOT APPLICABLE]
18. Manifest Discrepancy Report. If a significant discrepancy (as defined by 40 C.F.R. § 264.72(a)) in a manifest is discovered, the Permittee must attempt to reconcile the discrepancy. If not resolved within 15 calendar days, the Permittee must submit a letter report to the Regional Administrator. The report must include a copy of the manifest and must meet the information requirements of 40 C.F.R. § 264.72.
19. Biennial Report. The Permittee shall prepare and submit a biennial report covering facility activities. This report shall be submitted by March 1 of each even numbered calendar years and shall contain all of the information required by 40 C.F.R. § 264.75. (40 C.F.R. § 270.30(1)(9)).
20. Additional Noncompliance Reporting. The Permittee shall report all instances of noncompliance (including release of hazardous waste, fire, or explosion) not required to be reported under Module I, Conditions F.9, F.14 or F.16. Such noncompliance shall be reported for each calendar quarter (i.e., January through March and each subsequent quarter) by no later than 30 calendar days after the end of the quarter. The reports shall

contain the information listed in Module I, Condition F.16.(c)(i-vii), and all other relevant information. (40 C.F.R. § 270.30(1)(10)).

21. Other Information. Whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit application, or submitted incorrect information in a permit application, or in any report to the Regional Administrator, the Permittee shall promptly submit such facts or information to the Regional Administrator. (40 C.F.R. § 270.30(1)(11)).
- G. SIGNATORY REQUIREMENT. All reports or other information requested by the Regional Administrator shall be signed and certified as required by 40 C.F.R. §§ 270.11(b) and 270.30(k).
- H. CONFIDENTIAL INFORMATION. The Permittee may claim confidential any information required to be submitted by this permit in accordance with 40 C.F.R. § 270.12 and 40 C.F.R. Part 2, Subpart B.
- I. DOCUMENTS TO BE SUBMITTED PRIOR TO OPERATION.  
[NOT APPLICABLE]
- J. DOCUMENTS TO BE MAINTAINED AT THE FACILITY. In addition to a copy of this Permit and any amendments, revisions, or modifications to the Permit and its attachments, the following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility, except as noted.

A copy of the written operating record that was prepared in accordance with 40 C.F.R. § 264.73. This operating record shall include, at a minimum, the following information:

1. The location of each hazardous waste within the facility and the quantity at each location.
2. A copy of the waste analysis plan that was prepared in accordance with 40 C.F.R. § 264.13(b).
3. Records and results of waste analyses performed as specified in 40 C.F.R. §§ 264.13, 264.17, 264.314, 264.341, 268.4(a), and 268.7.

4. Summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 C.F.R. § 264.56(j).
  5. A copy of the written inspection plan and schedule prepared in accordance with 40 C.F.R. § 264.15(b) must be kept for the duration of the Permit.
  6. Records and results of inspections as required by 40 C.F.R. §§ 264.15(d), 264.174, 264.195(d) and 264.347(d). These data must be kept for the duration of the Permit.
  7. Personnel training documents and records that demonstrate continuous compliance with the requirements of 40 C.F.R. § 264.16(d).
  8. A current copy of the contingency plan and all revisions to the plan, as required by 40 C.F.R. § 264.53(a).
  9. A written closure plan and post-closure plan (if necessary), as required by 40 C.F.R. § 264.112(a).
  10. A copy of the latest closure cost estimate prepared in accordance with 40 C.F.R. § 264.142(a) and (c) and, when this estimate has been adjusted in accordance with 40 C.F.R. § 264.142(b), the latest adjusted closure cost estimate, as required by 40 C.F.R. § 264.142(d).
  11. Monitoring, testing, or analytical data where required by 40 C.F.R. Part 264, Subparts F, J, and O.
  12. Records and results of waste analyses required by other parts of this permit to demonstrate compliance with the requirements of 40 C.F.R. Part 268 (Land Disposal Restrictions), except these data must be kept for the duration of the Permit.
- K. PERMIT MODIFICATIONS. The Permit may be modified as allowed under 40 C.F.R. §§ 270.41 and 270.42, as modified by 53 Fed. Reg. 37912. Modifications to this Permit may be made by the Regional Administrator for cause in accordance with 40 C.F.R. § 270.41. Modifications to the Permit may also be requested by the Permittee as is provided for in 40 C.F.R. § 270.42.
- L. REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE REGIONAL ADMINISTRATOR. All reports, notifications or other submittals required by this Permit are to be submitted to



the Regional Administrator and sent certified mail or hand delivered to:

Regional Administrator  
U.S. Environmental Protection Agency, Region II  
26 Federal Plaza  
New York, New York 10278

Copies shall also be sent to the following addresses:

U.S. Environmental Protection Agency, Region II  
Hazardous Waste Facilities Branch  
Air and Waste Management Division  
26 Federal Plaza  
New York, New York 10278

U.S. Environmental Protection Agency, Region II  
Permits Administration Branch  
Office of Policy and Management  
26 Federal Plaza  
New York, New York 10278

Commonwealth of Puerto Rico  
Environmental Quality Board  
P.O. Box 11488  
Santurce, Puerto Rico 00910-1488  
Attn: Land Pollution Control Area

- M. DEFINITIONS. For the purpose of this Permit, terms used herein shall have the same meaning as those set forth in 40 C.F.R. Parts 260 through 270, unless this Permit specifically states otherwise. Where terms are not otherwise defined, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

"Action Levels" for the purpose of this Permit are hazardous constituent concentrations that are protective of human health or the environment. Where available, action levels are based on appropriate promulgated standards established for a specific environmental medium. When such promulgated standards are not available, action levels are media specific, hazardous constituent concentrations derived from non-promulgated human health-based levels or environmental health-based levels. The latter levels being protective of aquatic life or wildlife. An action level may be set at the background level for a hazardous constituent for which data are inadequate to set a human health or environmental health-based level.

"Facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combination of them).

"Hazardous constituents" means those constituents listed in Appendix VIII to 40 C.F.R. Part 261. For the purpose of this permit, the term, "hazardous waste" also includes hazardous constituents.

"Hazardous waste" means a hazardous waste as defined in 40 C.F.R. § 261.3.

"Regional Administrator" is the Regional Administrator of the United States Environmental Protection Agency for Region II, his designee or authorized representative.

A "Solid Waste Management Unit" ("SWMU") includes any discernible waste management unit from which hazardous constituents have migrated or may migrate, irrespective of whether the unit was intended for the management of hazardous or solid wastes (as those terms are defined in §§ 1004(5) and (27) of RCRA, 42 U.S.C. §§ 6903(5) and (27) and the regulations promulgated pursuant to RCRA, 40 C.F.R. §§ 261.2 and 261.3). These units include, but are not limited to: landfills, surface impoundments, waste piles, land treatment units, tanks, elementary neutralization units, transfer stations, container storage areas, incinerators, injection wells, recycling units, and closed and abandoned units. Certain areas associated with production processes which have become contaminated as a result of routine and systematic releases of wastes, or hazardous constituents from wastes, are also considered SWMUs.

"Release" for purposes of this Permit includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of any hazardous waste or hazardous constituent, unless expressly authorized under the terms of this Permit.

- N. DISPUTE RESOLUTION. The Permittee shall use its best effort to informally and in good faith resolve all disputes or differences of opinion. If, however, disputes arise concerning this Permit, including, but not limited to, implementation of any plans, approval of documents, scheduling of any work, selection, performances or

completion of any corrective action or any other obligation required under this permit, the Permittee shall notify EPA immediately of such disputes and within thirty (30) calendar days of notification, the Permittee shall submit a written statement to EPA that argues the Permittee's position. The written statement shall set forth the Permittee's specific points of contention, the Permittee's position and reasons for maintaining its position, and any additional matters that the Permittee considers necessary or relevant for the EPA's determination. If the dispute cannot be resolved informally within sixty (60) calendar days of receipt of the written argument, EPA will provide the Permittee its decision on the dispute which shall be incorporated into the Permit.

**MODULE II**  
**GENERAL FACILITY CONDITIONS**

- A. MAINTENANCE AND OPERATION OF FACILITY. The Permittee shall maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste constituents to the air, soil, or surface water which could threaten human health or the environment, as described in Permit Attachment II-1.
- B. SECURITY. The Permittee shall comply with the security procedures described in Permit Attachment II-1.
- C. GENERAL INSPECTION REQUIREMENTS. The Permittee shall follow the inspection schedule set out in the Permit Attachment II-1. The Permittee will develop an inspection checklist, that will be completed following each inspection. The completed inspection checklists will be kept on record at the facility throughout the post-closure care period. The Permittee shall remedy any deterioration or malfunction discovered by the inspection, as required by 40 C.F.R. § 264.15.
- D. PERSONNEL TRAINING. The Permittee shall conduct personnel training as described in Permit Attachment II-2. The Permittee shall maintain training documents and training records, as required by 40 C.F.R. § 264.16.
- E. PREPAREDNESS AND PREVENTION.
1. Required Equipment. At a minimum, the Permittee shall maintain at the facility the equipment set forth in the Post-Closure Plan, Permit Attachment II-1.
  2. Testing and Maintenance of Equipment. The Permittee shall test and maintain the equipment specified in Permit Condition E.1, as necessary to assure its proper operation in time of emergency.
  3. Access to Communications or Alarm System. The Permittee shall maintain access to the communications and alarm system described in Permit Attachment II-1.
  4. Arrangements with Local Authorities. The Permittee shall maintain arrangements with the state and local authorities, as described in the Permit Attachment II-1. If the state or local officials refuse to enter into

preparedness and prevention arrangements with the Permittee, the Permittee shall document this refusal in the operating record.

F. EMERGENCY COORDINATOR. A trained emergency coordinator shall be available at all times in case of an emergency, as required by 40 C.F.R. 264.55. The emergency coordinator's name and phone number are provided in Permit Attachment II-1. Should any of the emergency coordinator's information change, the Regional Administrator shall be notified within 30 days.

G. RECORDKEEPING AND REPORTING.

1. Operating Record. In addition to the recordkeeping and reporting requirements specified elsewhere in this Permit, the Permittee shall maintain a written operating record at the facility, in accordance with 40 C.F.R. § 264.73.
2. Additional Sampling Reporting. When the Permittee performs resampling of a monitoring well because of suspected tampering, as described in Permit Attachment II-1, the Permittee shall follow reporting procedure in IV.I of this permit.
3. Timeframe of Reporting. The Permittee shall report to the Regional Administrator within 30 days all incidences that could result in a change in landfill conditions that could potentate the release of hazardous constituents.



MODULE III  
CORRECTIVE ACTION AND OTHER HSWA REQUIREMENTS

A. SUMMARY OF CORRECTIVE ACTION PROCESS

Section 3004(u) of RCRA, 42 U.S.C. § 6924(u), (Section 206 of HSWA) and its corresponding regulations published in 40 C.F.R. § 264.101 require corrective action for all releases of hazardous wastes, including hazardous constituents, from any solid waste management unit ("SWMU") at a storage, treatment, or disposal facility seeking a permit, regardless of when wastes were placed in the unit. Section 3004(v) of RCRA, 42 U.S.C. § 6924(v) (Section 207 of HSWA) requires that corrective action be taken beyond the facility boundary where necessary to protect human health and the environment.

The Corrective Action authorized by Section 3004(u), includes a RCRA Facility Assessment ("RFA"); a RCRA Facility Investigation ("RFI"); and Corrective Measures ("CM").

The RFA is a three phase study that includes a Preliminary Review ("PR"), a Visual Site Inspection ("VSI"); and a Sampling Visit ("SV"). The PR, which must be conducted at all treatment, storage and disposal facilities seeking a RCRA permit, is a review of all available information on the individual SWMUs. During the PR, and in subsequent phases of the RFA, all of the media (i.e., soil, groundwater, surface water, air, and subsurface gas) that could be impacted by such potential releases of hazardous waste or hazardous constituents must be evaluated. Based on this review, the SWMUs must be characterized as to their release potentials.

Following this review, a VSI conducted during which all of the SWMUs, either previously or newly discovered, must be observed. While performing this reconnaissance, any signs of spills or leakage, stained soil, stressed vegetation, unit deterioration, or any other conditions that may be indicative of a release must be assessed. By means of these observations and the findings of the PR, a sampling visit at those areas where releases are suspected would be recommended.

The Sampling Visit ("SV") can involve any or all of the previously described media at any given SWMU. For those units where releases are clearly demonstrated in the PR and/or VSI, the SV can be eliminated leaving the unit(s) to be addressed in the RFI.

The last stage of the RFA involves preparing the RFA report. This report includes the findings of the various RFA activities and recommendations for further action at those units with demonstrated releases of hazardous wastes, including hazardous constituents. In some cases, where an immediate threat to human health or the environment exists, interim corrective measures may be required.

If the RFA concludes that there is a need for further investigative work, the Permittee shall be required to perform a RCRA Facility Investigation ("RFI"). The purpose of the RFI is to determine the nature, extent and rate of migration of hazardous wastes, including hazardous constituents, in soils, groundwater, surface water, subsurface gas, and/or air. Based on these multimedia analyses, the types of contaminants present, the boundaries of any contamination (e.g., plumes), and the rate of contaminant movement can be determined. Once these analyses are reviewed, a RFI report is prepared that provides a summation of the data and recommendations for any needed remediation.

The culmination of the corrective action program is the Corrective Measures ("CM"). The initial stage in the Corrective Measures phase is the Corrective Measures Study ("CMS"). Initially, this study involves a comprehensive research effort aimed at determining the most environmentally beneficial Corrective Measure(s) for each contaminated SWMU. Once this research component of the CMS is completed, bench and pilot scale testing is performed to evaluate the field applicability of each proposed corrective measure. The results of this testing, a description of the research activities, and recommended corrective measures are presented in a CMS report submitted by the Permittee to EPA.

The final stage of the Corrective Measures phase is the Corrective Measures Implementation ("CMI"). In this phase, the EPA approved Corrective Measures recommendations of the CMS report are implemented through a permit modification.

The conditions of this Module apply to:

- a. All the SWMUs and areas of concern ("AOCs") described in this Module and or other reports; and
- b. Any additional SWMUs or AOCs discovered during the course of groundwater monitoring, field investigations, environmental audits or other means, subsequent to the issuance of the Permit.

B. SUMMARY OF RFA FINDINGS AND INFORMATIONAL REQUIREMENTS

1. RFA Results

EPA conducted the RFA for the Municipal Dump of Ponce ("the Permittee"). The RFA Report is included as Attachment III-1 to this Permit. This report is the result of a preliminary review ("PR") of available information on the facility. This RFA identified the following solid waste management units and areas of concern:

SWMU # 1&2:	SK&F Surface Impoundments
SWMU # 3:	Sanitary Landfill
SWMU # 4:	Liquid Lagoon
SWMU # 5:	Industrial Landfill (not identified in RFA, unit constructed after RFA completion).

Based on the RFA, EPA has determined the following:

1. After extensive sampling and investigation of the facility, the exact locations of hazardous waste disposal cannot be determined. Therefore, EPA required continued groundwater sampling at the site which will include both hazardous and nonhazardous constituents. Over 60 initial screening samples, 8 deep subsurface samples and 8 monitoring well samplings were obtained as part of the remedial investigation. The continued quarterly groundwater sampling at the facility will provide continued early warning protection should hazardous constituents be detected. If hazardous constituents are detected, then corrective action, as identified in this Module, will be implemented.

C. STANDARD CONDITIONS

1. Failure to submit the information required in this Module, or falsification of any submitted information, is grounds for, among other things, termination of this Permit (40 C.F.R. § 270.43). The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Regional Administrator required in this Module are signed and certified in accordance with 40 C.F.R. § 270.11. Copies of these plans, reports, notifications or other submissions shall be submitted to the Regional Administrator and sent by certified mail or hand delivered to each of the following addresses:

Regional Administrator  
U.S. Environmental Protection Agency, Region II  
26 Federal Plaza  
New York, N.Y. 10278

U.S. Environmental Protection Agency, Region II  
Chief of the Hazardous Waste Facilities Branch  
Air and Waste Management Division  
26 Federal Plaza  
New York, N.Y. 10278

U.S. Environmental Protection Agency, Region II  
Permit Administration Branch Office of Policy and Management  
26 Federal Plaza  
New York, N.Y. 10278

Commonwealth of Puerto Rico Environmental Quality Board  
Land Pollution Control Area  
P.O. 11488  
Santurce, Puerto Rico 00910-1488

2. All plans and schedules required by the conditions of this Module are, upon approval of the Regional Administrator, incorporated into this Module by reference and become an enforceable part of this Permit. Any noncompliance with such approved plans and schedules shall be termed noncompliance with this Permit. Extensions of the due dates for submittals may be granted by the Regional Administrator in accordance with the permit modification processes under 40 C.F.R. § 270.41, 53 Fed. Reg. 37912.
3. If the Regional Administrator determines that further actions beyond those provided in this Module, or changes to that which is stated herein, are warranted, the Regional Administrator shall modify this Module according to the permit modification processes under 40 C.F.R. § 270.41, 53 Fed. Reg. 37912.
4. All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to this Module, including any reissued Permits, shall be maintained at the facility (or other location approved by the Regional Administrator) during the term of this Permit.

D. REPORTING REQUIREMENTS

1. The Permittee shall submit, to the Regional Administrator, signed bi-monthly progress reports of all activities (i.e., SWMU Assessment, Interim Measures, RFI Workplan, RFI Report, Corrective Measures Study) conducted pursuant to the provisions of this Module, beginning no later than sixty (60) calendar days after date upon which the Permit becomes effective. These reports shall contain:
  - a. A description of the work completed;
  - b. Summaries of all findings, including summaries of laboratory data;
  - c. Summaries of deviations from plans implemented;
  - d. Summaries of all contacts made with representatives of local community and public interest groups during the reporting period;
  - e. Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems; and
  - f. Projected work for the next reporting period and proposed modifications to plans.
2. Upon request, copies of other reports (e.g., inspection reports), drilling logs and laboratory data shall be made available to the Regional Administrator upon request.
3. As specified under Permit Condition C.3, as needed, the Regional Administrator may require the Permittee to conduct new or more extensive assessments, investigations, or studies, as needed, based upon information provided in the progress reports or upon other supporting information.

E. NEWLY-IDENTIFIED SOLID WASTE MANAGEMENT UNIT(S) AND NEWLY-DISCOVERED RELEASES: PERMITTEE REQUIREMENTS.

1. The Permittee shall notify the Regional Administrator in writing of any newly-identified SWMU(s) (i.e., a unit not specifically identified during the RFA),



discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means, no later than fifteen (15) calendar days after discovery.

2. Within forty-five (45) calendar days after notification of the discovery of newly-identified SWMU(s), the Permittee shall prepare a SWMU Assessment Plan for determining past and present operations at the unit, as well as any sampling and analysis of groundwater, land surface and subsurface strata, surface water or air, as necessary to determine whether a release of hazardous waste, including hazardous constituents, from such unit(s) has occurred, is likely to have occurred, or is likely to occur. The SWMU Assessment Plan must demonstrate that the sampling and analysis program, if applicable, is capable of yielding representative samples and must include parameters sufficient to identify migration of hazardous waste, including hazardous constituents, from the newly-discovered SWMU(s) to the environment.

3. After the Permittee submits the SWMU Assessment Plan, the Regional Administrator shall either approve or disapprove of the SWMU Assessment Plan in writing. If the Regional Administrator approves the SWMU Assessment Plan, the Permittee shall begin to implement the approved SWMU Assessment Plan within thirty (30) calendar days of receiving such written notification.

If the Regional Administrator disapproves the SWMU Assessment Plan, the Regional Administrator shall either (1) notify the Permittee in writing of the SWMU Assessment Plan's deficiencies and specify a due date for submittal of a revised SWMU Assessment Plan, or (2) revise the SWMU Assessment Plan and notify the Permittee of the revisions. This SWMU Assessment Plan, as revised by the Regional Administrator, becomes the approved SWMU Assessment Plan. The Permittee shall implement the SWMU Assessment Plan within fifteen (15) calendar days of receiving written approval.

4. The Permittee shall submit a SWMU Assessment Report to the Regional Administrator no later than thirty (30) calendar days from completion of the work specified in the approved SWMU Assessment Plan. The SWMU Assessment Report shall describe all results obtained from the implementation of the approved SWMU Assessment Plan. At a minimum, the Report shall provide the following information for each newly-identified SWMU:

- a. The location of the newly-identified SWMU in relation to other SWMUs;
  - b. The type and function of the unit;
  - c. The general dimensions, capacities, and structural description of the unit (supply any available drawings);
  - d. The period during which the unit was operated;
  - e. The specifics on all wastes that have been or are being managed at the SWMU, to the extent available; and
  - f. The results of any sampling and analysis required for the purpose of determining whether releases of hazardous wastes, including hazardous constituents, have occurred, are occurring, or are likely to occur from the unit.
5. Based on the results of this SWMU Assessment Report, the Regional Administrator shall determine the need for further investigations at specific unit(s) covered in the SWMU Assessment. If the Regional Administrator determines that such investigations are needed, the Regional Administrator shall modify this Permit, in accordance with Condition C.3 of this Module, to address such investigations.
6. Notification Requirements For Newly Discovered Releases at SWMUs.
  - a. The Permittee shall notify the Regional Administrator, in writing, of any release(s) of hazardous waste, including hazardous constituents, discovered during the course of groundwater monitoring, field investigation, environmental auditing, or other activities undertaken after the commencement of the RFI, no later than fifteen (15) calendar days after discovery. Such newly-discovered releases may be from newly-identified units, from units for which, based on the findings of the RFA, the Regional Administrator had previously determined that no further investigation was necessary, or from units

investigated as part of the RFI. The Regional Administrator may require further investigation of the newly-identified release(s) through the permit modification process, in accordance with Condition C.3 of this Module.

F. INTERIM MEASURES.

[NOT APPLICABLE AT TIME OF PERMIT ISSUANCE]

1. The following specific interim measures have been identified by the Regional Administrator:
2. If during the course of any activity initiated under this Module, the Regional Administrator determines that a release or potential release of hazardous waste, including hazardous constituents, from a SWMU poses a threat to human health and the environment, the Regional Administrator may specify interim measures. The Regional Administrator shall determine the specific action(s) that must be taken to implement the interim measure, including potential permit modifications and the schedule for implementing the required measures. The Regional Administrator shall notify the Permittee, in writing, of the requirement to perform such interim measures. The Regional Administrator shall modify this Module either according to procedures in Section C.3 of this Permit, or according to the permit modification procedures under 40 C.F.R. § 270.41, 53 Fed. Reg. 37912, to incorporate such interim measures into the Permit.
3. At a minimum, the following factors shall be considered by the Regional Administrator in determining the need for interim measures:
  - a. Time required to develop and implement a final remedy;
  - b. Actual and potential exposure of human and environmental receptors;
  - c. Actual and potential contamination of drinking water supplies and sensitive ecosystems;
  - d. The potential for further degradation of the medium absent interim measures;
  - e. Presence of hazardous waste in containers that may pose a threat of release;

- f. Presence and concentration of hazardous waste, including hazardous constituents, in soils that have the potential to migrate to groundwater or surface water;
- g. Weather conditions that may affect the current levels of contamination;
- h. Risks of fire, explosion, or accident; and
- i. Other situations that may pose threats to human health and the environment.

4. Financial Assurance For Interim Measures.

The Permittee must submit to EPA, within thirty (30) calendar days of the effective date of this Permit, documents establishing financial assurance for conducting the Interim Measures. The Permittee must continue to demonstrate financial assurance unless otherwise notified by EPA.

G. OTHER HSWA REQUIREMENTS.

1. Waste Minimization.

[NOT APPLICABLE AT TIME OF PERMIT ISSUANCE]

2. LAND DISPOSAL RESTRICTIONS.

- a. BACKGROUND. HSWA prohibits the continued land disposal of untreated restricted hazardous wastes beyond specified dates, "unless the Administrator determines that the prohibition...is not required in order to protect human health and the environment for as long as the wastes remain hazardous...." RCRA §§ 3004(d)-(g), 42 U.S.C. §§ 6924(d)-(g).

Pursuant to 40 C.F.R. § 264.13(a)(1), before an owner or operator treats, stores, or disposes of any hazardous waste, he must obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all the information which must be known to treat, store, or dispose of the waste in

accordance with the conditions of a permit issued under 40 C.F.R. Parts 270 and 124, or 40 C.F.R. Parts 264 and 268.

The Permittee shall comply with the waste analysis, notification, certification, recordkeeping, and all other applicable requirements of 40 C.F.R. Part 268 whenever generating, storing, treating, or managing a restricted waste.

- b. STORAGE OF RESTRICTED WASTES. The Permittee may store hazardous wastes, for which land disposal is prohibited, up to one year unless the Permittee can demonstrate that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

The Permittee may store such wastes beyond one year; however, the Permittee bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal. (40 C.F.R. § 268.50(c)).

The Permittee storing such waste for the purpose of accumulation must do so in accordance with 40 C.F.R. § 268.50(a)(2).

- c. LAND DISPOSAL OF RESTRICTED WASTES. The land disposal of restricted wastes is prohibited unless the applicable treatment standard, as set forth in Subpart D of 40 C.F.R. Part 268, is met, or the waste is exempt under 40 C.F.R. § 268.1(c).
- d. RESTRICTION DATES. The above restrictions become effective and are phased in for specific hazardous wastes over a period which began November 8, 1986. A listing of the dates in which each hazardous waste is restricted was published in the Federal Register on May 28, 1986. This permit incorporates any amendments or modifications made to the land disposal restrictions or its effective dates.